UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,623	07/24/2002	Josef Laumen	10191/2377	1416

26646 7590 12/15/2005

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
ORGAD, EDAN	
ART UNIT	**PAPER NUMBER**
2684	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/089,623	LAUMEN ET AL.	
	Examiner	Art Unit	
	Edan Orgad	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *15-29 and 32-36* is/are allowed.

6)☒ Claim(s) *30,31 and 37-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 9/22/05 with respect to newly added claims 37, 38, 40 and 41 have been fully considered but they are not persuasive.

Applicant argues that Kingdon fails to disclose "main stations" but rather teaches, as cited by applicant "the TCP/IP protocol specifies the addressing of nodes on the Internet 320 and provides a method of sending packets of data from one node to another". Applicant argues that there is a clear distinction between "main station offering services" and an internet node. Further arguing that an internet node is merely a switch and does not provide different services. Examiner respectfully disagrees because by definition an internet node is a local exchange switch (or equivalent local switching node) and is generally considered to be (i) the switching point on a telecommunications network that serves as the most immediate switching interface between the calling party and that telecommunications network as well as (ii) the switching point on a telecommunications network (which may, but need not be, owned or operated by the same carrier who owns or operates the originating switching point) that serves as the most immediate switching interface between the called party and that telecommunications network, regardless of whether such telecommunications networks use circuit-switched, frame relay, asynchronous transfer mode, packet data, TCP/IP protocols or other current or evolving telecommunication technologies. Local exchange switches (or equivalent local switching nodes), for example, may include telephone companies local central office switches, private telecommunications networks local access nodes and Internet service providers local access switches--whether represented by a server, router or other switching device (which may be hardware or software-defined), but in

each case providing access to the respective telecommunications network. Therefore, it is examiner's contention that Kingdon's internet node is equivalent to a main station. Applicant is also reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claim. Therefore the argued features either are the same as the cited art or are written with such breadth that they read upon the cited art.

Applicant's arguments filed 9/22/05 with respect to claims 30 and 31 have been fully considered but they are not persuasive.

Regarding the applicant's arguments with respect claims 30 and 31, Schwartz is discussing the main stations are internet servers therefore one inherently more than one, and Kingdon modifies to show the internet addresses are intended for more than one main station. Furthermore, applicant broad terminology and the use of the term "main station", although interpreted in light of the specification, is not read into the claim. Specifically, Kingdon teaches at least two main stations (see col. 4 lines 38-45, disclosing the connection of a mobile to one more servers on the internet via the internet addresses). Regardless of the term used "main station", Kingdon internet servers/nodes are used as connection gateways and thereby interpreted as main stations. Therefore the argued features either are the same as the cited art or are written with such breadth that they read upon the cited art.

Applicant's arguments filed 9/22/05 with respect to newly added claims 39 and 42 have been fully considered but they are not persuasive.

Schwartz teaches a method and system for the transmission of information between a terminal and an Internet server via a Wireless communication network. Therefore, Schwartz teaches transmitting information between a terminal and at least one main station, where the Internet server is the at least one main station. Schwartz further discloses an intermediate device between the terminal and the Internet server to perform protocol conversion and connection between the devices. Therefore, Schwartz teaches a matching device. Schwartz further teaches when the user uses the terminal via an interface such as a Web browser the matching device based on the inputs at the terminal performs bi-directional communication with the Internet server. Therefore, Schwartz discloses the message transfer is controlled in dependence upon the at least one input from one of the terminal and the main station.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Schwartz et al. (6,473,609).

Regarding claims 39 and 42, Schwartz teaches a method and system for transmitting messages between at least one main station (104, figure 1) and at least one terminal (106) via a

telecommunications network (see col. 1 lines 30-40, col. 3 lines 37-55, col. 5 lines 8-47, col.7 lines 47-67, where Schwartz is discussing a mobile terminal with access to an internet server, the internet server being a main station), the method comprising: controlling an exchange of messages by a matching device between the at least one main station and the terminal ms a function of at least one input of the at least one main station (see col. 3 lines 38-55, col. 5 lines 47-61, col. 7 lines 55-62, col. 8 lines 45-67, col. 9 lines 29-41, col. 10 lines 35-53, col. 11 lines 4-9, col. 13 lines 25-38, col. 13 lines 64-66, col. 14 lines 10-58 where in reference to figures 6-7, Schwartz discusses the user makes inputs from the terminal to the link server, i.e., the matching device, to get data from different network servers by sending a URL of the desired server, therefore, dependent upon the input from the mobile the link server gets various forms of data from the network); and matching by the matching device at least one property for the transmission of the message to the at least one input of the at least one main station, wherein the at least one property for the transmission of the message (see col. 14 lines 10-67, col. 15 lines 1-8, col. 8 lines 45-67, col. 10 lines 3-8, col. 11 lines 15-35, where Schwartz discusses based on the request for communication and the inputs from the user of the terminal, i.e., the inputs sent to the link server as a URL and device characteristics, the link server retrieves a specified type of data from the network server, formats the data for transmission to the mobile terminal and display on the mobile & col. 14 lines 10-67, col. 15 lines 1-8, col. 8 lines 45-67, col. 10 lines 3-8, col. 11 lines 15-35, where Schwartz discusses receiving a URL specifying a server and formatting the message according to the device characteristics, sent or inputted to the link server at the start of a communication & col. 8 lines 45-67, col. 9 lines 15-40, col. 10 lines 3-16, col. 15 lines 39-65,

col. 16 lines 30-65 and col. 19 lines 1-17, where Schwartz discusses changing the file to SDD format to send to the terminal in more efficiently).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz et al. (6,473,609) in view of Kingdon et al. (6,088,594).

Regarding claim 30, Schwartz discloses a method for transmitting messages between at least one main stations (104, figure 1) and a terminal (106) via a telecommunications network (102) (see col. 1 lines 30-40, col. 2 lines 30-62, col. 3 lines 37-55, col. 5 lines 8-47, col.7 lines 47-67, where Schwartz is discussing a mobile terminal with access to an internet servers, the internet server being a main station, a logically one or more main stations addressable by internet addresses). Schwartz discloses providing a matching device (114) between the at least one main stations and the terminal (see col. 5 lines 47-61, col. 5 lines 8-26, col. 7 lines 9-28, col. 7 lines 47-67, where Schwartz discusses that the link server acts as the protocol matching device between the wireless network and the internet). Schwartz discloses controlling a message exchange using the matching device, the message exchange being controlled in dependence upon at least one input from one of, the terminal, and the at least one main station (see col. 3 lines 38-55, col. 5 lines 47-61, col. 7 lines 55-62, col. 8 lines 45-67, col. 9 lines 29-41, col. 10 lines 35-53,

col. 11 lines 4-9, col. 13 lines 25-38, col. 13 lines 64-66, col. 14 lines 10-58 where in reference to figures 6-7, Schwartz discusses the user makes inputs from the terminal to the link server, i.e., the matching device, to get data from different network servers by sending a URL of the desired server, therefore, dependent upon the input from the mobile the link server gets various forms of data from the network).

Schwartz discloses the at least one main station is an internet server and therefore logically is disclosing at least two main stations (see col. 1 lines 30-40, col. 2 lines 30-62, col. 3 lines 37-55, col. 5 lines 8-47, col.7 lines 47-67, where Schwartz is discussing internet addressing of the main station therefore logically discussing one, two, or more main stations). Schwartz however does not specifically disclose at least two main stations. Kingdon teaches at least two main stations (see col. 4 lines 38-45, where Kingdon is discussing connection of a mobile to one more servers on the internet via the internet addresses).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Schwartz, and have at least two main stations, as taught by Kingdon, thus allowing the mobile access to many main stations applications via the Internet and Internet servers, as discussed by Kingdon (col. 3 lines 30-35).

Regarding claim 31, Schwartz discloses a matching device (114, figure 1) for a transmitting messages between at least one main stations (104) and terminal (106) via a telecommunications network (see col. 1 lines 30-40, col. 2 lines 30-62, col. 3 lines 37-61, col. 5 lines 8-61, col. 7 lines 47-67, and col. 8 lines 46-67, where Schwartz discusses the transmission of messages between a network internet servers, i.e., one or more main station, and a mobile terminal via a link server that converts the messages to useable formats, between the devices,

therefore, matching formats). Schwartz discloses at least one interface (302, figure 3A) to the at least one main stations; an interface (306) to the terminal (see col. 6 lines 65-67, col. 7 lines 1-27, and col. 5 lines 8-26). Schwartz teaches a storage device (316, figure 3A) configured to store at least one input from one of the terminal and the at least one main stations for controlling a message exchange between the at least two main stations and the terminal (see col. 8 lines 45-67, col. 9 lines 15-40, col. 11 lines 15-41, col. 13 lines 25-38, col. 14 lines 10-67, col. 18 lines 11-16, col. 18 lines 65-67, and col. 19 lines 1-45, where Schwartz discusses a message exchange processor and memory for processing the requests and data exchanges). Schwartz discloses a control unit (315, figure 3A) configured to control the message exchange as a function of the at least one input (see col. 8 lines 46-67, col. 9 lines 15-40, col. 11 lines 15-41, col. 14 lines 10-67, col. 18 lines 65-67, and col. 19 lines 1-48, where Schwartz discusses the user of the terminal inputs commands corresponding to URL's to access data in different network server that are processed by the message processor).

Schwartz discloses the at least one main station is an internet server and therefore logically is disclosing at least two main stations (see col. 1 lines 30-40, col. 2 lines 30-62, col. 3 lines 37-55, col. 5 lines 8-47, col.7 lines 47-67, where Schwartz is discussing internet addressing of the main station therefore logically discussing one, two, or more main stations). Schwartz however does not specifically disclose at least two main stations. Kingdon teaches at least two main stations (see col. 4 lines 38-45, where Kingdon is discussing connection of a mobile to one more servers on the internet via the internet addresses).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Schwartz, and have at least two main stations, as taught by

Kingdon, thus allowing the mobile access to many main stations applications via the Internet and Internet servers, as discussed by Kingdon (col. 3 lines 30-35).

Claims 37, 38, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz et al. (6,473,609) in view of Kingdon et al. (6,088,594).

Regarding claims 37, 38, 40 and 41, Schwartz teaches a method and system for transmitting messages between different main stations and at least one terminal via a telecommunications network, the different main stations offering different (see col. 1 lines 30-40, col. 3 lines 37-55, col. 5 lines 8-47, col.7 lines 47-67, Schwartz teaches a mobile terminal with access to an internet server, the internet server being a main station). Schwartz discloses providing a matching device (114) between the at least one main station and the terminal (see col. 5 lines 47-61, col. 5 lines 8-26, col. 7 lines 9-28, col. 7 lines 47-67, where Schwartz discusses that the link server acts as the protocol matching device between the wireless network and the internet the method comprising: controlling an exchange of messages by a matching device between the different main stations and the terminal as a function of at least one input of the terminal (see col. 3 lines 38-55, col. 5 lines 47-61, col. 7 lines 55-62, col. 8 lines 45-67, col. 9 lines 29-41, col. 10 lines 35-53, col. 11 lines 4-9, col. 13 lines 25-38, col. 13 lines 64-66, col. 14 lines 10-58 where in reference to figures 6-7, Schwartz discusses the user makes inputs from the terminal to the link server, i.e., the matching device, to get data from different network servers by sending a URL of the desired server, therefore, dependent upon the input from the mobile the link server gets various forms of data from the network) and matching by the matching device in the direction of transmission/service from the different main stations to the terminal the different

services to a uniform transmission/service according to the at least one input of the terminal (see col. 14 lines 10-67, col. 15 lines 1-8, col. 8 lines 45-67, col. 10 lines 3-8, col. 11 lines 15-35). Schwartz discloses user requests for information from different servers and format translations based on the information requested, and therefore logically the information is transmitted in a format based on the request (col. 14 lines 10-67, col. 15 lines 1-8, col. 8 lines 45-67, col. 10 lines 3-8, col. 11 lines 15-35, col. 14 lines 10-67, col. 15 lines 1-8, col. 8 lines 45-67, col. 10 lines 3-8, col. 11 lines 15-35). Schwartz, however, does not specifically disclose the message is transmitted in a format that is determined in dependence upon a format request made by one of the terminal and the at least one main station. Kingdon teaches disclose the message is transmitted in a format that is determined in dependence upon a format request made by one of the terminal and the at least one main station (see abstract lines 1-10, and col. 4 lines 9-55). .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Schwartz, and have the message is transmitted in a format that is determined in dependence upon a format request made by one of the terminal and the at least one main station, as taught by Kingdon, thus allowing the transmission of more complex responses, such as bit mapped responses, as discussed by Kingdon (col. 3 lines 12-36). Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Schwartz, and have at least two main stations, as taught by Kingdon, thus allowing the mobile access to many main stations applications via the Internet and Internet servers, as discussed by Kingdon (col. 3 lines 30-35).

Allowable Subject Matter

Claims 15-29 and 32-26 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 15 and 29, examiner agrees with applicant's argument in view of the prior art cited (see applicant's arguments, pages 8-10, dated 9/22/05.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

12/8/05